

# Overview...



## AB 109

### Public Safety Realignment

# Four Areas

1. “Local Prison” (jail) custody for non-violent, non-serious, non-sex offenders (Non/non/non)
2. Post-release Community Supervision (PCS)
3. Court hearings and jail for PCS and parolee revocations
4. Local Planning - Community Corrections Partnership Executive Committee

# Community Corrections Partnership

Executive Committee of CCP shall recommend local plan to the county board of supervisors for the implementation of the 2011 public safety realignment.

Executive committee (currently):

- Chief Probation Officer (Chair)
- A Chief of Police
- Sheriff
- A County Supervisor or CAO
- Director of Social Services

# When does it Begin?

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July 1, 2011, or upon funding

“...operative no earlier than July 1, 2011, and only upon creation of a community corrections grant program to assist in implementing this act and upon an appropriation to fund the grant program.”  
(Section 636)

# Who is sentenced to local prison?

- Non/non/non offenders
- PC 1170 (h) limits the housing of 540 felony charges to the county jail for a prison commitment
  - ▣ List of 44 exceptions not included under PC1170(h)
- No language in AB 109 reduces the length of these sentences
- Prospective from implementation date
- No real changes to sentencing process
- Prison sentence and qualifies as a prison prior

# Additional Features of AB 109

- Alternative custody tools for county jails
  - ▣ Home detention for low-level offenders
  - ▣ Work Release
- Changes all locally served credits to “day for day”
- Contracting Back:
  - ▣ AB 109 **may** allow counties (Sheriff) to contract with the State to send local offenders to state prison



# State Funding Assumptions

- Local Prison Sentences  $< 3$  years =
  - ▣ Jail funding for average of six months
- Local Prison Sentences  $> 3$  years =
  - ▣ Jail funding for average of twenty months
- Assumes average supervision length and community services of 18 months
- How do we get there?

# Issues with non/non/nons

- Possibly no legal option for early release or alternative custody
- No early release means
  - ▣ No supervision
  - ▣ No community services
  - ▣ Increased costs for custody
  - ▣ Back door sentencing Reform
    - Potential sentences well beyond 10 years
    - Financial disincentive to contract back to CDCR



# Post Release Community Supervision (PCS) Offenders

- County Supervision upon release from State Prison
  - ▣ Current non-violent, non-serious conviction with prior serious or violent conviction
  - ▣ Low and Medium Risk Sex Offenders
- Does not include
  - ▣ 3<sup>rd</sup> Strikers or other parole eligible lifers
  - ▣ High Risk Sex Offenders
- Board of Supervisors designates a county agency to be responsible for PCS

# Post Release Supervision

- CDCR has no jurisdiction
- Graduated sanctions
  - ▣ Flash Incarceration in CJ up to 14 days without court involvement
  - ▣ Longer revocations up to 12 months in CJ with court involvement
- Supervision agency can add appropriate conditions without a court hearing
- No PCS may be returned to prison for a violation. Cannot contract back to CDCR for revocation.

# Issues with PCS

- Population hits county/courts on effective date
- 33 prisons release to 58 counties
- Communication and consistency are critical
- Jurisdictional issues
  - Court jurisdiction for hearings on PCS from other counties
  - Requires transfer agreements between counties
- Increase in revocations and related hearings for courts
- Probation supervising strikers and low-medium risk sex offenders
- Increase in county's mental health and medical costs

# State Parole Supervision

- Commitment offense
  - ▣ Current or serious violent offense
  - ▣ Sentenced as third striker
  - ▣ Classified as a High Risk Sex Offender
- CDCR will retain jurisdiction of all offenders released on state parole prior to effective date of AB 109 implementation
- Replaces BPH with the Court for revocations
- BPH still responsible for lifer hearings, medical parole and MDO/SVP cases



# 2011 Criminal Justice Realignment Plan

# Goals of San Diego County Realignment Plan

- Maintain Public Safety
- Effectively utilize limited resources to absorb the new populations
  - ▣ Custody
  - ▣ Supervision
  - ▣ Programming/Treatment
- Reduce Recidivism
- Evaluate Outcomes

# Areas of Focus



1. Enhance Pretrial Process
2. Improve and Streamline Felony Settlement
3. Sentencing Options for Higher Risk Offenders
4. Alternatives to Custody/Custodial Programming
5. Supervision, Treatment and Services

# 1. Enhance Pretrial Process

***Goal: Free up jail beds for the new population***

- Lower bail schedule
- PTS screening and assessment for setting bail and conditions
- Use pretrial custody alternatives
  - ▣ PC 1203.018 electronic surveillance
- Prioritize jail custody for misdemeanants



## 2. Improve and Streamline Felony Settlement

***Goal: Early Triage and Resolution to free up jail space***

- Availability of discovery
- Early disposition of PC 1000/Prop 36 cases
- Probation risk assessments pre-plea
- Utilize probation assessments to:
  - ▣ Increase early resolution of felony cases with low needs/low risk scores
  - ▣ Increase Immediate Sentencings
  - ▣ Increase Defendants placed on Felony Probation to Court
  - ▣ Current steps in this direction

### 3. Sentencing Options for Higher Risk Offenders

***Goal: Incorporate Evidenced Based Principles into Sentencing Practices to Effectively Utilize Resources and Match Offenders to Services***

- Incorporate assessments into sentencing decision making:
  - ▣ Probation to the Court
  - ▣ Formal Probation
  - ▣ Treatment and programming options
- Maximize use of collaborative courts (felony and misdemeanors)

# 4. Alternatives to Custody/ Custodial Programs

***Goal: Manage Custody Population, Facilitate Community Re-entry***

- Utilize alternative custody options
  - ▣ Work Furlough
  - ▣ Home Detention/Electronic Monitoring with supervision
  - ▣ Work Release
  - ▣ Fire Camp(s ) and/or Inmate Work Crews
- Combine sentencing to local jail or local prison with Local Reentry Program
  - ▣ Create warm hand off for probationers
  - ▣ Possibly only programming for non/non/nons

# 5. Supervision and Treatment for Post-Release Community Supervision

## ***Goal: Reduce Recidivism through Supervision and Services***

- Develop plan with CDCR for transfer from state to county
- Create release plan
- Probation 678 Supervision Model
  - ▣ Risk Based Supervision
  - ▣ Probation Case Management (case plans targeting criminogenic needs)
  - ▣ Incentive-Based Probation
  - ▣ Immediate Sanctions (swift and certain)
  - ▣ Enhanced Treatment Options
- Revocations served in local jail

# Service Priorities under Local Supervision

- Create Day Reporting Centers
- Drug Treatment
  - Residential
  - Outpatient
  - Sober Living/Housing
  - Detox Beds
- Mental Health Treatment
- Medical/Dental
- Employment
  - Vocational training and placement
  - Transitional jobs
- Cognitive Behavioral Treatment
- Literacy/Education
- Stabilization Assistance
  - Work tools, interview clothing, SSI card, bus passes, clothing, groceries, haircuts
- Housing